

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, *ex rel.*  
State Engineer

Plaintiff,

vs.

ROMAN ARAGON, *et al.*,

Defendants.

69cv07941 BB-ACE

RIO CHAMA STREAM SYSTEM  
Section 7: Rito de Tierra Amarilla

**Subfile No. CHTA-004-0020**

**MOTION TO VACATE CONSENT ORDER**

COMES NOW the Plaintiff State of New Mexico, *ex rel.* State Engineer and moves the Court to vacate the Consent Order filed December 5, 2002 (Doc. 6978) in connection with defendants Domie Ulibarri and Filiberto Ulibarri and subfile CHTA-004-0020, and as grounds therefore Plaintiff states as follows:

1. After Domie Ulibarri and Filiberto Ulibarri (Defendants) signed and approved the Consent Order filed December 5, 2002 in subfile CHTA-004-0020, the State received a plat of survey of the adjacent properties showing that portions of those properties had been erroneously included in this subfile. The State has now correctly mapped the boundaries of the land under this subfile.
2. The Consent Order filed December 5, 2002 (Doc. 6978) should be vacated.
3. The Defendants have signed and approved a revised Consent Order to be filed with the Court that corrects the errors described in paragraph one above.
4. Defendants support the granting of this motion.

WHEREFORE, the Plaintiff State of New Mexico requests the Court to vacate the Consent

Order filed December 5, 2002 (Doc. 6978) in connection with defendants Domie Ulibarri and Filiberto Ulibarri and subfile CHTA-004-0020.

Respectfully submitted,

/s/ Ed Newville  
EDWARD G. NEWVILLE  
Special Assistant Attorney General  
Office of State Engineer  
P.O. Box 25102  
Santa Fe, NM 87504-5102  
(505) 867-7444

**CERTIFICATE OF SERVICE**

I certify that a true and correct copy of the foregoing Motion to Vacate Consent Order was mailed to following this 6<sup>th</sup> day of March 2006:

Domie Ulibarri  
Filiberto Ulibarri  
P.O. Box 423  
Tierra Amarilla, NM 87575

and transmitted by ACE filing to the following this 6th day of March 2006:

Special Master Vickie L. Gabin  
USDC-DCNM  
P.O. Box 2384  
Santa Fe, NM 87504-2384

Karla McCall, Data Manager  
1315 Sagebrush Dr. SW  
Los Lunas, NM 87031

/s/ Ed Newville  
Edward G. Newville